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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,337	11/08/2001	Tsai-Yun Yu	YU=39	5202

1444 7590 09/02/2003

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EXAMINER	
WHITE, RODNEY BARNETT	
ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/986,337	Tsai-Yun Yu
Examiner	**Art Unit**
Rodney B. White	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jun 11, 2003*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu (Us. Patent No. 6,095,601).

Yu teaches a base for a bicycle saddle comprising a main body 12 of a rigid plastic material and provided with a narrow front portion, a wide rear portion, at least one receiving space that is either seen as a single receiving space or two receiving spaces since longitudinal rib 34 can be seen as dividing the "single" space into two receiving spaces, the receiving space(s) disposed only in the rear portion, a plurality of supporting bars 32,34 each of which is engaged in and crosses over, such as the one shown in Fig. 1 and Fig. 4 and labeled as 70 in Fig. 4, the receiving space and defining a plurality if hollows (two is a plurality) between the supporting bars in the receiving space, the supporting bars formed integrally with the main body, and at least one

elastic body 40 made of a plastic material the elastic body bonded to the periphery of the receiving space (column 2, lines 38-41) and to the supporting bars of a hardness smaller than the hardness of the plastic material of which the main body is made, the elastic body being filled in the receiving space by molding such that the hollows are filled with the elastic body and that the supporting bars and the elastic body are interconnected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Terry (U.S. Patent No. 5,165,752) and Bigolin (U.S. Patent No. 5,387,024).

Yu teaches the structure substantially as claimed but does not teach another receiving space disposed in the middle portion of the main body in front of the at least one receiving space. However, Terry and Bigolin teach a receiving a third space adapted to be disposed in the middle portion of the main body in front of the at least one or the two receiving spaces, which would provide a space for inserting a cushioning means to further dampen vibrations from the bicycle

frame in other specific areas as well as provide greater comfort in that area or provide an area for inserting an element that promotes better air circulation.

5. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Morrow (U.S. Patent No. 524,068).

Yu teaches the structure substantially as claimed but does not teach arrangement of the supporting bars in the at least one receiving space. However, Morrow teaches supporting bars that are arranged in a meshed, over-lapping, and parallel manner to create a cellular structure having hollows defined therein in the receiving space, which would provide a sturdier space for inserting a cushioning means to further dampen vibrations from the bicycle frame in other specific areas as well as provide greater comfort in that area or provide an area for inserting an element that promotes better air circulation.

Remarks

As described above in the 102(b) rejection, the Yu reference has "a plurality of supporting bars engaged in and crossing over the receiving space" in as much as the present invention. The supporting bodies are clearly formed integrally with the main body from the same plastic material and disposed only in the rear portion of the main body. Morrow simply teaches the over-lapping of supporting bars. The material used in Morrow is irrelevant.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (703) 3080-827. The fax phone number for the organization where this application or proceeding is assigned is:

Official Amendment:	(703) 872-9326
Official After-Fial Amendment:	(703) 872-9327

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Rodney B. White,
Patent Examiner
Art Unit 3636
August 28, 2003

Rodney B. White
Patent Examiner